

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on February 11, 2003, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain  
Dennis A. Kramer  
Lawrence Littman  
Cindy Pennington  
Robert Schultz  
Walter Storrs  
Mark J. Vleck  
David T. Waller  
Wayne Wright

Also Present:

Mark F. Miller, Planning Director (arrived at 8:15 p.m.)  
Brent Savidant, Principal Planner  
Susan Lancaster, Assistant City Attorney  
James P. Ong, Student Representative  
Kathy Czarnecki, Recording Secretary

2. MINUTES – January 28, 2003

Ms. Pennington requested that the minutes reflect the following changes under Item #5, Board of Zoning Appeals Report.

January 21, 2003 BZA meeting

1<sup>st</sup> paragraph, add the following sentence:

*"It should be noted that Salvaggio Market had already been given a variance from the 75' front yard setback at the time it was built."*

2<sup>nd</sup> paragraph, revise paragraph to read:

*"Mr. Chamberlain questioned how the transition from the BZA to the Planning Commission would be handled for renewal requests in regards to relief of the masonry screening walls."*

**Resolution**

Moved by Pennington

Seconded by Storrs

**RESOLVED** to approve the January 28, 2003, Planning Commission Regular Meeting minutes as corrected.

Yeas

Chamberlain  
Kramer  
Littman  
Pennington  
Schultz  
Storrs  
Vleck  
Waller

Abstain

Wright

**MOTION CARRIED****3. PUBLIC COMMENTS**

There were no public comments.

**SITE PLANS****4. SITE PLAN REVIEW (SP-886) – Proposed Industrial Building, Empire Electronics, South Side of Maple, East of Livernois, Section 34 – M-1**

Mr. Savidant presented a summary of the Planning Department report for the proposed industrial building. Mr. Savidant said that the property was rezoned from B-2 Community Business to M-1 Light Industrial on December 16, 2002. The applicant is proposing to divide the entire parcel into Parcel A and Parcel B, and construct a 23,107 square foot manufacturing facility and a 7,156 square foot office on Parcel B, which is approximately 3.5 acres in area. The current use and current zoning classifications of the adjacent parcels were reviewed. Mr. Savidant reported that the applicant meets the area and bulk requirements of the M-1 District. Mr. Savidant stated that the off-street parking requirements for both Parcel A and Parcel B have been met, noting the applicant would be required to submit documentation of the parking restrictions and joint drive prior to final site plan approval. Mr. Savidant noted that the site plan does not designate the slope of the sides of the proposed detention basin to be constructed south of the proposed building and noted the detention basin will have to meet the design standards of the Engineering Department.

In summary, Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted with the condition to move the two proposed handicapped parking spaces on the south side of the proposed building to the north three spaces so that the spaces are in closer proximity to the building entrance.

Mr. Waller asked for a definition of area and bulk requirements in the M-1 zoning.

Mr. Savidant responded every zoning district in the City's zoning ordinance has a section entitled "area and bulk requirements". Mr. Savidant read a precise definition of bulk regulations he obtained from the Wisconsin Department of Natural Resources website. The definition read: "Standards that establish the maximum size of structures on a lot and the location where a building can be including coverage, setbacks, heights, impervious surface ratio, floor area ratio and yard requirements." Mr. Savidant said that basically bulk regulations pertain to all lot regulations other than the minimum required area of a lot.

Mr. Waller questioned if moving the two parking spaces is for the convenience of the physically disabled or if it is State law.

Mr. Savidant responded that moving the two parking spaces is for the convenience of the physically disabled and will be in compliance with the American Disabilities Act and Michigan barrier-free requirements.

Mr. Schultz questioned the location of the two parking spaces as being on the "south" side.

After a short discussion, it was determined that the Planning Department's report is incorrect and that the recommendation should read to move the two proposed parking spaces on the "east" side to a closer proximity of the building entrance.

Mr. Storrs asked if this a lot split and, if so, which parcel defines the site plan.

Mr. Savidant replied that it will be a lot split and Parcel B would define the site plan.

Mr. Storrs questioned where the split is proposed.

Mr. Savidant said the proposed split is roughly through the center of the lot, and indicated its location on the site plan.

The petitioner, Jim Reb of Reb Construction, 1801 N. Opdyke, Auburn Hills, was present. Mr. Reb said there is no problem with moving the two parking spaces closer to the building entrance. Mr. Reb stated that the slope of the detention pond would be worked out with the Engineering Department. He said the pond would be shallow enough not to require fencing, noting that the pond is already partially designed and fenced on three sides and that the building will cover most of the northern portion of it.

Chairman Littman opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

**Resolution**

Moved by Vleck

Seconded by Wright

**RESOLVED**, that the Preliminary Site Plan for the Empire Electronics proposed industrial building, located on the south side of Maple Road, east of Livernois, within Section 34 and in the M-1 zoning district, is hereby granted, subject to the following condition:

1. Move the two proposed handicapped parking spaces on the east side of the proposed building to the north 3 spaces so that they are in closer proximity to the entrance to the building.

**Yeas**

All present (9)

**MOTION CARRIED**

5. **SITE PLAN REVIEW (SP-714)** – Proposed Restaurant Expansion, Royal Diner, North side of Maple, West of John R, Section 26 – B-3 and B-1

Mr. Savidant presented a summary of the Planning Department report for the proposed Royal Diner restaurant expansion. The applicant is proposing to add an addition to the existing restaurant that is situated on a 36,440 square foot parcel. Mr. Savidant said that the property is zoned B-3 General Business, the southeastern corner of the parcel is zoned B-1, and a portion of the parking area and grass area are zoned B-1. He reported that this difference in zoning classification has no impact on the proposed application. Mr. Savidant said the applicant meets the area and bulk requirements of the B-3 district. Mr. Savidant stated that the applicant meets the off-street parking space requirement, but noted that one of the spaces on the east side of the lot has a light pole in the parking space. He said that the light pole location reduces the size of the parking space so that a typical-sized automobile would not be able to use the space. Therefore, the Planning Department is requiring removal of the light pole to a more appropriate location on the parcel.

Mr. Savidant stated the applicant will utilize the existing two-way access drive on Maple Road and is providing a 24-foot wide vehicular cross access easement through the site and also to the properties to the east and west. Mr. Savidant noted that the existing cross access easement will need to be revised and documentation of the revised cross access easement will need to be provided prior to final site plan approval.

In summary, Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted, with the following three conditions:

1. Eliminate the parking space that has a twin HD pole mounted light obstructing the parking space, and provide a curbed protected landscaped area around the light. A new parking space provided in the northwest area of the parking lot.
2. All outdoor lighting to be oriented downwards on the site with the light source shielded from abutting properties.
3. The grease pit dumpster to be relocated within a dumpster enclosure

Ms. Pennington asked what affect the parking expansion onto the vacated street (Chopin) on the north side the restaurant would have on the residential homes on that street, noting that the plan states that 25 feet of the vacated street will be used for this addition.

Mr. Savidant confirmed that Chopin is vacated and the applicant has the right to use the area. He noted that Chopin is not a City street and is maintained by the owner.

Mr. Storrs commented that it a fairly heavily used vacated street, even though it is a gravel street.

The petitioner, Ronald Kachman of 330 E. Maple Road, Suite B, Troy, was present. With respect to the vacated alley, Mr. Kachman said that parking has existed there for about two years. He explained there is a cross access agreement through that part of the 12 feet and the 24-foot gravel road provides access for the landscaping business. Mr. Kachman assured the Commission that all the Planning Department's recommendations would be met.

Mr. Waller noted to the petitioner that the dumpster would probably have to be expanded.

Mr. Kachman agreed, noting there is enough room to put another six feet on the dumpster.

Chairman Littman opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

### **Resolution**

Moved by Chamberlain

Seconded by Waller

**RESOLVED**, that the Preliminary Site Plan for the Royal Diner Restaurant Expansion, located on the north side of Maple Road, and west of John R Road,

within Section 26 and the B-3 and B-1 zoning districts, is hereby granted, subject to the following conditions:

1. Eliminate the parking space that has a twin HD pole mounted light obstructing the parking space, and provide a curbed protected landscaped area around the light. A new parking space provided in the northwest area of the parking lot.
2. The grease pit dumpster to be relocated within a dumpster enclosure.

Yeas

All present (9)

**MOTION CARRIED**

Mr. Chamberlain noted that the motion omitted the Planning Department's recommendation to orient the outdoor lighting onto the subject property and shield the surrounding property from the light source because there are no residential homes in the area that would be affected.

**STREET VACATION REQUEST**

6. PUBLIC HEARING – STREET VACATION REQUEST (SV-179) – East ½ of Alger Street, abutting Lots 410 and 433 of John R Garden Subdivision, North of Birchwood, West of John R, Section 26 – M-1.

Mr. Savidant presented a summary of the Planning Department report for the proposed street vacation. The applicant is proposing to vacate the east half (25 feet wide) of Alger Street between Birchwood Street and Vermont Street (vacated), which is a distance of 260 feet. Mr. Savidant said that a significant portion of the Alger Street right-of-way has been vacated, including the entire right-of-way between Woodslee and Brinston. In reviewing the current use of adjacent parcels, Mr. Savidant reported that the parcel to the west contains a single family home and a wrecking yard and noted the single family home is a non-conforming use in the M-1 Light Industrial district. All parcels abutting Alger Street between Birchwood and Vermont are zoned M-1 Light Industrial. Mr. Savidant stated that the applicant wishes to vacate the eastern half of the street to enable the construction of an industrial shop and office building on the site, noting that presently it would be difficult, if not impossible, to meet setback requirements.

In summary, Mr. Savidant reported that it is the recommendation of the Planning Department to deny the Alger street vacation request as submitted. Mr. Savidant explained that approving the street vacation would have the effect of increasing the non-conformity of the abutting residential parcel to the west, which neither the Planning Commission nor City Council has the authority to do.

Mr. Savidant stated the attorney representing the applicant has contacted the Planning Department with a willingness to work with the City to come to some kind of an agreement.

Ms. Pennington asked for confirmation that the property located east of Alger Street is unbuildable as it is currently zoned.

Mr. Savidant confirmed that the site is unbuildable because of the required setbacks.

Mr. Waller questioned the width of the street and right-of-way.

Mr. Savidant explained that the right-of-way is currently 50 feet wide and the gravel street is 22 feet wide. He explained that if the 25 feet were to be vacated, one half of the gravel street would be lost as well, resulting in roughly an 11-foot wide gravel street on a 25-foot wide right-of-way.

Mr. Waller stated that somebody potentially could shift the gravel over to the west to turn the 22 feet into 25 feet.

Mr. Savidant responded yes, potentially.

Ms. Pennington questioned if a utility easement exists on the property.

Mr. Savidant confirmed that the Engineering Department did not designate any utility easement in the right-of-way.

Arthur Shannon, 43252 Woodward, Bloomfield Hills, was present to represent the petitioner. He explained that Mr. Moss was called out of town and could not attend the meeting. Mr. Shannon commented that the information provided to the Commission has been presented accurately. Mr. Shannon stated that Mr. Moss was involved in developing land in the area of Brinston and Bellingham, which is located in the same subdivision a little to the north. He further stated that Mr. Moss wishes to relocate his business and office to this site, noting that Mr. Moss currently works out of an office on Big Beaver, east of Rochester.

Mr. Shannon recognizes that the main problem to this street vacation is the house on Alger, and stated that Mr. Moss is willing to do one of two things. Mr. Moss is willing to grant an easement over the entire road, so that the road as it now exists could continue to be used, unless or until some day it could be vacated. Mr. Moss is also willing to grant a permanent easement over the roadway so that the roadway would remain unaffected. Mr. Shannon noted that Mr. Moss does not need the roadway; he needs the setbacks in order to build within his lots. Mr. Shannon further noted that the house would probably be removed within one year.

Chairman Littman asked if the petitioner would like the matter to be tabled.

Mr. Shannon said that due to time constraints, he is asking the Commission to grant approval to the street vacation subject to granting a permanent easement over the roadway so the roadway remains unaffected.

Chairman Littman asked for legal advice from the Assistant City Attorney.

Ms. Lancaster said that she and Mr. Shannon had discussed the matter earlier in the day. She reported that the granting of an easement may or may not resolve the matter. She cited the ordinance with respect to site access requirements in that a permanent and unobstructed private easement can suffice if it is at least 40 feet in width, noting this would not be the case in this matter. Ms. Lancaster stated that with less than 40 feet, any easement would be subject to the review of the City Engineer who is required to receive approval from both the Fire Chief and Police Chief. Ms. Lancaster summarized that preliminary work must be conducted to find out if an easement is feasible, and suggested that no action be taken to this regard because an easement may not be a viable solution. Ms. Lancaster reminded the Commission that granting a vacation at this time would increase the non-conformity of the abutting residential parcel.

A short discussion followed.

Mr. Chamberlain said that regardless if there is a residence or not, there is a viable piece of land that is separately owned, and whoever owns that land has a street going to it. He said there could someday be an industrial building on that property with a need for a street, noting then there would be truck traffic as opposed to car traffic. Mr. Chamberlain said then a matter could arise with not wanting truck traffic over this easement. Mr. Chamberlain expressed his opposition to vacating the street because it would result in landlocking the residence and further commented that he would not vote for any recommendation to vacate this street.

Mr. Shannon responded that the house is owned by the same gentleman who owns the vacant corner lot to the south of it, and again noted that the house would probably not remain a year from now. Mr. Shannon stated that if there were a permanent easement, the same road would be there whether the owner wanted to develop the back piece of land separately from the front piece.

Mr. Kramer responded there are two parcels; today it could be one owner, tomorrow it could be two owners.

Chairman Littman stated that the Planning Department has on file a letter from the Coleman's voicing their objection to this proposed street vacation.

#### PUBLIC HEARING OPENED

No one was present to speak.



Mr. Shannon announced that Mr. Moss met with the Coleman's since that letter was written and explained his proposal. Mr. Shannon stated that the Coleman's do not have an objection to the vacation now.

**PUBLIC HEARING CLOSED**

***Resolution***

Moved by Pennington

Seconded by Vleck

***RESOLVED***, that this item be tabled to the Special/Study Meeting scheduled on February 25, 2003.

Yeas

Kramer

Littman

Pennington

Schultz

Storrs

Vleck

Waller

Wright

Nays

Chamberlain

**MOTION CARRIED**

Mr. Chamberlain stated: "My negative vote is due to the fact that we are wasting everybody's time here. You got that sidwell sitting up there that you cannot have a legal street to. It might be all one ownership but right now it's a different sidwell. The only way you can change that is to change the sidwell to combine it with the rest of the properties and that ain't gonna probably happen and that's the reason for my no vote."

Ms. Lancaster recommended that the public hearing remain open to avoid re-sending public hearing notifications to affected residents.

**PUBLIC HEARING RE-OPENED**

No one was present to speak.

Chairman Littman announced that the public hearing will remain open until the February 25 Special/Study Meeting.

Mr. Miller arrived at 8:15 p.m.

**ZONING ORDINANCE TEXT AMENDMENTS****7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-198) – Article 40.20.00 Parking Requirements**

Mr. Savidant presented a summary of this item. He stated that the Planning Commission spent the last couple of years working on amendments to the off-street parking provisions and the public hearing tonight is a result of the fruits of the Planning Commission's labor. Mr. Savidant reported that the Planning Department has had available to the public copies of the proposed text amendments.

In summary, Mr. Savidant explained that the Planning Commission's intent is to reduce the amount of paved parking spaces in the City, in addition to tweaking existing standards. Mr. Savidant said that Dick Carlisle, the City's Planning Consultant, has reviewed the proposed draft amendments and generally agrees with the Planning Commission's recommendations. The Planning Department is expecting to receive a report from the Planning Consultant that encompasses an overall review of the entire off-street parking section of the zoning ordinance.

Mr. Miller confirmed that the Planning Consultant's overall review report on the Off-Street Parking Section of the zoning ordinance has not been received from the Planning Consultant. He confirmed that none of the Planning Consultant's suggestions have been incorporated into the public hearing notice because the public hearing notice had to be mailed over three weeks ago.

Mr. Miller spoke with respect to parking issues related to hospitals. He stated that the Planning Consultant's opinion is that the Planning Commission's recommendations for parking related to hospitals is too complex, and recommends it be based on a bed/employee formula.

Mr. Chamberlain asked if the Planning Department has received any public response resulting from the public hearing notice.

Mr. Miller responded that the Planning Department has received no response from the public. He noted that he sent an e-mail message to the Chamber of Commerce soliciting their response. Ted Wilson, Chairman of the Economic Development Committee, briefly discussed the matter with Mr. Miller, but Mr. Wilson did not want to express any specific public comment.

Mr. Savidant commented that the one modification to be made to the proposed text amendments is the landbanking provisions for grandfathering under section 40.20.13.

Mr. Vleck questioned what type of standards are used when determining the "largest working shift", and asked if it would be a dynamic requirement every time a company changes the amount of its employees, or if a tenant moves out of the building.

Mr. Miller responded that the "largest working shift" requirement would be very difficult to monitor and enforce.

Mr. Savidant commented that the "largest working shift" requirement is a more reality based standard in that it is based on people and not square footage, noting that it is a commonly used standard.

Mr. Vleck stated that his view is that it is more of a non-reality standard, citing the proposed Sterling Corporate Center PUD where the number of tenants is unknown and an estimate is provided.

Discussion followed with respect to hospital parking relating to inpatient and outpatient bed count and the variation of traffic generation.

Mr. Kramer stated that historically an overnight hospital stay counts as a bed. He stated that a definition of "bed" needs to be determined before any changes are made to the text ordinance relating to parking.

Mr. Chamberlain stated that a hospital would fix its own parking problems should they occur and reminded the Commission the intent of revising the ordinance text is to get rid of asphalt. He said that if the City demands a hospital to construct acreage of asphalt for parking and it's not used, then the City continues to look at asphalt. Mr. Chamberlain recommended the Commission go back into a study session for further review.

Mr. Kramer responded that nowadays all a hospital does is raise its parking garage rates and hospital visitors try to find parking elsewhere [referenced the City of Sterling Heights], noting this increases the parking problem.

Mr. Chamberlain noted for public comment that Troy Beaumont Hospital no longer charges to park in their parking deck.

#### PUBLIC HEARING OPENED

No one was present to speak.

#### ***Resolution***

Moved by Vleck

Seconded by Chamberlain

***RESOLVED***, that this item be tabled to the March 11, 2003 Regular Meeting.

#### Yeas

All present (9)

**MOTION CARRIED**

Chairman Littman announced that the Public Hearing will remain open until the March 11 Regular Meeting.

**GOOD OF THE ORDER**

Ms. Pennington asked that grease dumpsters be added to the list of future items to discuss.

Mr. Miller explained he was late tonight because he and Brent Savidant hosted a public informational meeting on the proposed Rochester Commons PUD project. Mr. Miller expressed that the meeting was well attended by residents who had an opportunity to view proposed plans, ask questions, express their concerns and discuss the project with the developer. Mr. Miller stated that a public informational meeting is a good format in the public process because residents' concerns and questions are resolved prior to the public hearing. He stated that the City has committed to City Council to ask residential developers to contact their neighbors to let them know about their proposed developments. Mr. Miller said that public input helps to create better plans that are more acceptable to residents.

**ADJOURN**

The Regular Meeting of the Planning Commission was adjourned at 8:45 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP  
Planning Director

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